



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,601	05/03/2002	Mathias Lindner	343-01	8021
27569	7590	07/29/2004	EXAMINER	
PAUL AND PAUL 2900 TWO THOUSAND MARKET STREET PHILADELPHIA, PA 19103			WYROZEBSKI LEE, KATARZYNA I	
			ART UNIT	PAPER NUMBER
			1714	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,601

Applicant(s)

LINDNER, MATHIAS

Examiner

Katarzyna Wyrozewski

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15, 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-10, 16 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date KLW
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

In view of the applicants amendment submitted on 5/13/2004 independent claim 1 is in product by process format, where the patentable weight is given to the product. Independent claim 11 has been extensively amended with process step not previously present in claim limitations.

Remarks

Throughout the claims the applicant utilize PA-66 as an abbreviation to polyamide 66. At the same time claims utilize PA-66 as an abbreviation to polyaznide? Which one is it and what is polyaznide? For more prompt prosecution of the application the examiner will treat polyaznide as a typo that should read polyamide.

In addition, claim 3 contains limitation "e.g." in line 3 that will have to be removed once application is in condition for allowance.

Due to amendments incorporated into the claims, claim 7 is considered redundant, since claim 1 already contains limitation of at least 10%.

Response to Applicant's Arguments

Art Unit: 1714

The examiner appreciates applicants' lengthy summary of the rejection, although the point of the discussion of the disclosure of GANGA was not necessary since GANGA was not applied as a prior art against present claims.

Prior art of Hanley

a) On page 10 of the response the applicants have stated that the base material of Hanley is not equivalent to the base material of present invention, yet the applicants do not seem to explain how.

b) Right underneath (bottom of page 10) the applicants have stated that the fibers of Hanley have length in a range of 2.57-12.7 mm and indicated that the Hanley does not provide any discussion of why.

With respect to this argument Hanley is not required to provide any discussion as to why his glass fibers are in that particular range. At the same time the applicants seem to contradict themselves by providing that Hanley did show some criticality to the length of the fiber (bottom of page 10).

c) The applicants further discuss the diameter of the glass fiber of Hanley.

The examiner is not clear as to the point of this argument, since diameter of the fiber is not a limitation present in the claims of the instant invention.

Art Unit: 1714

d) The applicants also stated that Hanley is silent with respect to the extrusion process of the present invention.

With respect to the above argument, as indicated at the beginning of this office action, claim 1 is product by process claim and the patentable weight is given to the product. Rejection of claims 11 and 12 over the prior art of Hanley is withdrawn.

e) The applicants stated that the amount of the polymer in the composition of Hanley is minimal since it is a "...mere film..."

With respect to the above argument, the examiner would like to point the applicants to Table II of the prior art of Hanley, where in per 30% of the glass fiber the amount of the polymer is about 70%...

f) The applicants also stated that the prior art of Hanley would provide glass fibers having length of approximately 0.2-0.3 mm

Where in the prior art of Hanley did the applicant find this disclosure.

Prior art of Guerrini

a) The applicants have stated that Guerrini provides only one specific example of polyamide and discloses a laundry list of thermoplastic that have never been tested and are mere speculation.

With respect to the above argument, Guerrini is not obligated to give any examples at. In fact one example is more than enough to say that the polyamides have been tested. With respect to the second argument regarding the laundry list of polymer, there is no indication that they

Art Unit: 1714

have never been tested and it is not examiner's position to question that at this point. The fact is that the prior art of Guerrini does teach the thermoplastic polymers.

b) On page 13 of the response the applicants have stated that when fibers are too long, then the size of the molding machine becomes undesirable.

Size of the equipment that is or can be utilized in making a molded product does not constitute bar from the invention.

c) Steps of Guerrini differ from the steps of the present invention.

The examiner agrees. Guerrini impregnates his fibers as disclosed in the example by melt processing with use of IR lamps. Guerrini does not utilize extruder. In view of the above, rejection of claims 11 and 12 over the prior art of Guerrini is overcome.

d) Applicants do not conduct calendaring.

With respect to the above argument, open language of the claims does not exclude calendaring step.

e) The temperatures in Guerrini are different than those of the present invention.

With respect to the above argument, claim 1 is a product by process claim, wherein temperature of the claims is limitation of the process.

f) Guerrini does not intend for the mixture of the two polymers.

Where in the disclosure of Guerrini did the applicant find such teaching?

g) The process of Guerrini arrives at product mechanically and chemically different from that of the present invention.

With respect to the above argument chemical and mechanical limitations are not part of the claim.

The prior art of SAITO

a) Saito's polymer is a diluent and therefore there is no chemical bonding between the polymer and fiber.

With respect to the above argument, chemical bonding is not an issue of the claims at hand. In addition, just because SAITO refers to the polyamide as diluent that does not render the prior art not applicable against present claims. Diluent of SAITO is still a polyamide.

The prior art of DeWitt

a) The prior art of DeWitt was published after the filing date of the present invention.

This does not disqualifies the prior art of DeWitt

b) The prior art of discloses that the fiber is utilized in small amounts and forms a film, whereas the present invention requires at least 10% of the thermoplastic polymer.

With respect to the above argument, there is a difference between the compatibility component and the amount of the thermoplastic polymer that is utilized to wet the fiber.

Art Unit: 1714

Compatibility component as applicants stated is a component that increases bonding and miscibility. Therefore it is not thermoplastic polymer. DeWitt teaches pretreatment with component that increases bonding. If compatibility component and thermoplastic resin are one and the same the applicants should indicate so and make proper corrections to the claims.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 11 contain limitation of “certain time”, which limitation renders claims indefinite.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3, 5-8, 16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by HANLEY (US 5,114,992).

The discussion of the disclosure of the prior art of HANLEY from paragraph 5 of the office action mailed on 12/9/2003 is incorporated here by reference. Newly added claims 16 and 19 are also taught by the prior art of HANLEY

5. Claims 1-9, 16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by GUERRINI (US 5,362,431).

The discussion of the disclosure of the prior art of GUERRINI from paragraph 6 of the office action mailed on 12/9/2003 is incorporated here by reference. Newly added claims 16 and 19 are also taught by the prior art of Guerrini.

6. Claims 1-8, 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by SAITO (US 5,866,648).

The discussion of the disclosure of the prior art of SAITO from paragraph 7 of the office action mailed on 12/9/2003 is incorporated here by reference. Newly added claims 16 and 19 are also taught by the prior art of SAITO.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over HANLEY (US 5,114,992) or GUERRINI (US 5,362,431) or SAITO (US 5,866,648) either one of which in view of DEWITT (US 6,221,951).

The discussion of the disclosure of the prior art of HANLEY or GUERRINI or SAITO and DeWitt from paragraph 11 of the office action mailed on 12/9/2003 is incorporated here by reference. Newly added claims 16 and 19 are also taught by the prior art of HANLEY or GUERRINI or SAITO and DeWitt.

Allowable Subject Matter

3. Claims 11-15, 17 and 18 are allowed. The prior art of record does not teach the process disclosed in claim 11 of the present invention. Updated search report resulted in process (US 5,185,117 or US 5,165,941) where the pellets of thermoplastic polymer are melted in the first extruder then sent down to the second "compounding extruder" in which thermoplastic resin was

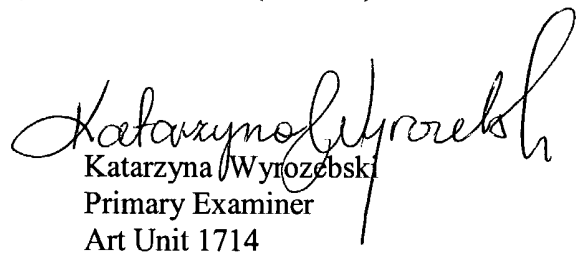
Art Unit: 1714

compounded with long glass fibers. Such process also differs from the process of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Katarzyna Wyrozebski
Primary Examiner
Art Unit 1714

July 21, 2004